

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	
)	
Guillermo C. Bazan et al.)	Art Unit: 1632
)	
Application No.: 10/779,412)	Examiner: Bradley L Sisson
)	
Filing Date: February 13, 2004)	Confirmation No.: 7769
)	
For: METHODS AND COMPOSITIONS FOR)	
DETECTION AND ANALYSIS OF)	
POLYNUCLEOTIDE-BINDING PROTEIN))	
INTERACTIONS USING LIGHT)	
HARVESTING MULTICHROMOPHORES))	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. 1.132

I, Kieran Elborough, hereby declare:

1. I received a Bachelor of Science degree with Honors in Microbiology/Microbial Genetics from the University of Dundee in 1986.
2. In 1990, I received my Doctor of Philosophy degree in Human Biochemistry from Imperial College London.
3. From 1995-2000, I served on the faculty at the University of Durham, UK, as a Lecturer and Group Leader. I was awarded tenure in 1998.
4. Currently, I am the General Manager for Science-Food Innovation at The New Zealand Institute for Plant & Food Research Ltd., involving the general management of just over 200 science staff and several business managers in the Food Innovation portfolio.

5. I also serve as a Director at the Environmental Risk Management Authority for the New Zealand Government, which regulates both new organisms (including GMO field trials) and hazardous substance use for the country.

6. I have published multiple peer reviewed scientific papers utilizing DNA binding proteins during my 26 years of scientific research. I consider myself a person of skill in the scientific arts utilized in the above-referenced invention.

7. I understand that the invention has been rejected for allegedly being indefinite based on the assertion that the term "polynucleotide binding protein" as used in the claims is unclear.

8. I have reviewed the claims and the definition of the term "polynucleotide binding protein" as provided in the application at pages 22-24. I am able to discern the meaning of that term as used in the application and claims.

9. I further understand that the above-referenced invention has been rejected for allegedly being indefinite based on the assertion that it is not readily apparent what the claimed method is to result in. I fully understand the meaning of claim 1.

10. I understand that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any resulting patent. I declare that all statements in this declaration that are based on my own knowledge are true, and all statements made on information and belief are believed to be true.



Kieran Elborough, D.Phil.

11th August 2009

Date